

Public Chapter 465

HOUSE BILL NO. 899

By Representative Fitzhugh

Substituted for: Senate Bill No. 1922

By Senator Springer

AN ACT to amend Tennessee Code Annotated, Title 37 and Title 40, Chapter 35, relative to juvenile proceedings.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 37-1-103, is amended by adding the following language as a new, appropriately designated subsection:

() Proceedings in which a parent or legal guardian is alleged to have violated parental responsibilities pursuant to Section 2 of this act.

SECTION 2. Tennessee Code Annotated, Title 37, Chapter 1, Part 1, is amended by adding the following language as a new, appropriately designated section:

(a) If a child under sixteen (16) years of age commits a delinquent or unruly act that brings the child within the jurisdiction of the Juvenile Court and if the child's parent or legal guardian, (who is not the victim of the act that brings the child within the jurisdiction of the Juvenile Court), did not take reasonable steps to control such delinquent or unruly conduct, then the court may order the parent or legal guardian to do one (1) or more of the following:

(1) Participate in the child's program of treatment and rehabilitation;

(2) Seek assistance from school officials, social service officials or other appropriate public or private resources and authorities to provide treatment and rehabilitation for the child; and/or

(3) Complete community service work individually or jointly with the child.

(b) If the parent or legal guardian violates or refuses to comply with the order of the Juvenile Court, then the parent or legal guardian may be held in contempt pursuant to Tennessee Code Annotated, Section 37-1-158; and the juvenile court may fine the parent or legal guardian up to fifty dollars (\$50.00), may incarcerate the parent or legal guardian in the county jail for up to ten (10) days or may impose both fine and incarceration. However, prior to holding any such parent or guardian in contempt, the parent or legal guardian shall be served with notice and shall be given a reasonable opportunity to be heard by the court.

(c) The provisions of this section shall not apply to the Tennessee Department of Children's Services acting in its capacity as custodian or guardian of any child.

SECTION 3. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

SECTION 4. This act shall take effect July 1, 1997, the public welfare requiring it.